

IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY  
I TE KŌTI MATUA O AOTEAROA  
TĀMAKI MAKAURAU ROHE

CIV-2017-404-259

BETWEEN

STEWART NGAWAKA,  
MARYLIN  
STEPHENS, MARK ANTHONY  
McMATH, ALLAN JOHN  
MOORE, HORI TE MOANAROA  
PARATA and ELDERS and  
registered members of NGĀTI  
REHUA-NGĀTIWAI KI AOTEA  
Plaintiffs

AND

NGĀTI REHUA-NGĀTIWAI KI  
AOTEA TRUST BOARD  
First Defendant

YVONNE JEWEL WIKI  
Second Defendant

CATHERINE HOPE MUNRO  
Third Defendant

NICOLA MARIE ATARIA  
MACDONALD  
Fourth Defendant

RODNEY NGAWAKA  
Fifth Defendant

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**WHAKAPĀ TUHINGA NĀ TE ROIA TAUTOKO KI TE KŌTI/HEAMANA Ā  
WĀ MO TE POARI TARAHITI MŌ NGĀTI REHUA-NGĀTIWAI KI AOTEA**

**AMICUS CURIAE/INTERIM INDEPENDENT CHAIR'S REPORT TO THE  
COURT FOR NGĀTI REHUA-NGĀTIWAI KI AOTEA TRUST BOARD**

Tēnei te Rā 29 o Kohitateā, 2020  
Dated this 29<sup>th</sup> Day of January, 2020

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Presented for Filing by:

Counsel Assisting the Court, *Amicus Curiae*

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MĒNĀ KA PAI KI TE KŌTI,  
MAY IT PLEASE THE COURT,

WHAKAPĀ TUHINGA NĀ TE ROIA TAUTOKO KI TE KŌTI/HEAMANA Ā  
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**WHAKATAUKI WHAKATAKI  
[INTRODUCTORY PROVERB]**

***“Inā ko te Pō, ko te Ata kei te haere mai”  
[Though it is Night, the Dawn is coming]***

*He mihi ki ngā mate, ngā tini tīpuna huhua o te whenua, o ngā hapū,  
o ngā marae maha o ngā motu, huri noa; - Haere, haere. Moe mai ra.*

*He mihi motuhake ki te koroua rangatira o Ngāti Rehua-Ngatiwai ki  
Aotea i hinga atu ki tua o Te Arai, a matua Sarb Ngāwaka.*

*Anei te mihi ki a koe e Sarb, me ngā mihi ki tōu whānau pani, tōu  
hapū pani. Ko tōu hapū e kawē ana i ōu mahi mo ngā uri whakaheke.*

*Haere, haere, moe mai ra. Ka huri.*

- 1.1. As Amicus and Independent Interim chair of the Ngāti Rehua-Ngatiwai ki Aotea Trust Board, it is timely at the start of the new decade to report to the Court on the key work undertaken during the nearly 12 months since taking up my appointment on 1 February 2019.
- 1.2. I ask that the Court and parties accept my apologies for the delay in this report, which I had intended to file before Christmas, but in which I was delayed by the unexpected passing of my eldest brother's wife.
- 1.3. Since returning to work in the New Year, I have also had the unfortunate experience of full-blown measles, which delayed further the completion of this interim report. I am now recovering and happily my whanau are so far healthy.
- 1.4. 2019 was a challenging year for our Board and I am mindful of our primary duties to the uri of Aotea, to the Court and to the Trust as the vehicle for carrying forward the aspirations of those hapu members who have worked for their people and have passed, those presently bearing the vision and those yet to come.
- 1.5. I refer to the various reports, hui, investigations, correspondence, telephone discussions and many engagements of many people to support the work undertaken this year in advancing the interests and rights of the Trust and its beneficiaries.

- 1.6. I am also mindful to ensure that the Court is appraised of the circumstances and any decisions which might be necessary in exercising its supervisory jurisdiction.
- 1.7. I am grateful for the engagement and hard work of my colleague interim trustees and their whanau and especially so to the rangatira, kaitiaki, kaumātua, kuia, koroua, the many uri of Aotea who have so kindly given of their time and resources to host us during the four trust board hui we held last year on Aotea, as well as at the other three trust board information hui held on the mainland.
- 1.8. Further to the Court's directions and my report to the Court of 30 August 2019, I am grateful to the Court for receiving and considering my reports and providing further orders so our Trust may carry out our duties.

### **This Report**

- 1.9. The purpose of this report is to:
  - 1.9.1. provide a summary review of the work done last year;
  - 1.9.2. advise on the Trust Information Hui and the Kaumātua Wananga Whakapapa and some of the information received;
  - 1.9.3. advise on the steps taken and proposed timetable to advance the review of the hapū beneficiary database, new registrations, the combined kaumātua validation committee process to take place in the first quarter of 2020, the pathway towards calling for nominations, elections and the long-awaited AGM to be held on 20 June 2020. This includes the process to engaging Election Services Ltd to provide professional expertise;
  - 1.9.4. give an update on the state of the Trust's compliance with legal and governmental regimes;
  - 1.9.5. advise on fundraising for resources work undertaken by the trustees and interim administrator and the current status of Trust finances; and
  - 1.9.6. seek any further directions as the Court may see fit.

### **General Review of 2019**

2. During 2019, the Trust Board convened 21 Board Hui, between 12 February and 23 December, together with numerous other hui with other entities such as various

Auckland City officials, Department of Conservation. We also convened a series of four Trust Board Information Hui during August and September and in October we held the Kaumātua Wananga Whakapapa at Kawa Marae, Aotea.

3. As Independent Interim chair, I have attended initial meetings with external parties to show solidarity with my interim trustee colleagues and to establish necessary relationships to advance and protect the position of Ngati Rehua-Ngatiwai ki Aotea. Thereafter our Board have delegated interim trustees to attend on various other hui representing hapū interests.
4. Otherwise I have sought to ensure that the day-to-day administration and running of the Trust is conducted and that we progress towards the regularisation of the database, new registrations and towards elections at a duly conducted AGM.
5. My colleague interim trustees have attended on various other duties, hui, fundraising activities for the Trust, consultation, engagement with other parties as appropriate and on litigation relevant to the hapū. Our interim administrator, Kelly Klink has given us the advantage of working to provide much-needed support services as well as fundraising for the hapū's work to be done. I appreciate the time and effort that those involved have put in for the hapū. Their efforts mean that we have been able to advance and protect the hapū's interests to the extent able while gathering resources, information and services with which to progress to validation and elections this year.

### **Board Hui Processes**

6. The Trust Board Hui have been prepared for with agenda circulated in advance for input. Our hui have been minuted, with draft minutes circulated prior to subsequent hui to provide a transparent process by which trustees can consider, discuss and debate the accuracy of minutes and resolutions if necessary. Board resolutions are noted as unanimous or, on those occasions where there is not unanimity, voting details are recorded. Trustees are given the opportunity to voice their concerns and clarify their reasons.
7. Draft Minutes are circulated marked and considered 'DRAFT' until and unless they are adopted at a subsequent hui. The agreed procedure is that unless and until the Minutes are confirmed by us as a Board, they are not to be circulated outside of our Board. When Minutes have been

confirmed and approved, we have agreed to post them on the Trust website and on the Trust's private Facebook page, so as to give hapū members information and be transparent in the processes by which we are acting on the beneficiaries' behalf.

8. A perhaps obvious corollary of this process is that once we have resolved to act as a Trust Board, we proceed to do so and as interim independent chair, I do not expect my colleagues to provide those draft minutes to others until and unless they have been confirmed and approved. Likewise, I do not expect trustees to 'reneg' on or otherwise contradict our resolutions or our consequent actions to third parties. I have made this clear on the rare occasions in which such conduct has arisen. The point being that the integrity of our collective responsibility as a Board representing the Trust's hapū beneficiaries and the Court, must be impeccable.
9. Further to the above point, I have been at pains to remind us as a Board that we have solemn legal duties to the Court to at all times and in all ways must be accountable to the Trust and to the Court. This is so that we can ensure our performance achieves the goals set by the Court's orders.
  - 9.1. For the record, the Honourable Court's observation at para 27 of the 18 December 2018 judgment<sup>1</sup> is worth repeating because our Board and the Trust's hapū beneficiaries are now heading into the serious business of regularising the hapū database registrations, calling for new registrations, supporting the combined validation committee hui, running elections and an AGM. The Court observed:

“... none of the trustees are “representative” of one group or another. Each of them owes, to all beneficiaries, the exercise of their independent judgment unclouded by animus concerning the wider dispute.”
  - 9.2. The Court mentioned this again in Minute No. 4 of 6 September 2019<sup>2</sup> following my 30 August 2019 report to the Court and some confusion which had arisen about a resolution of the Board concerning implementation of the consent orders to review the hapū database, the purpose and process of the series of Board Information Hui and the appointment of a replacement trustee. The Court again stated:

“... it will be important for all trustees to leave aside the animus of the various confrontations and differences

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<sup>1</sup> *Ngāwaka v Ngāti Rehua-Ngatiwai ki Aotea Trust Board* [2018] NZHC 3398, at [27]

<sup>2</sup> *Ngāwaka v Ngāti Rehua-Ngatiwai ki Aotea Trust Board, Minute No.4, 6 September 2019, at [5]*

which led to the litigation and get on with the very work to be done for all beneficiaries. I am sure all trustees will do that. If, contrary to my expectation, the chair considers that any individual trustee displays a consistent and persistent pattern of destructive behaviour in trustee meetings, I expect he would advise me of that. In that event, I would consider whether the trustee should remain or not.”

- 9.3. At this time, I do not consider there is trustee conduct worthy of sanction but I take this opportunity to thank the Court and via the Court, to remind all the trustees of our duties. I seek to reiterate through the Court that we have worked hard to reach this stage. In order to implement the next stages and processes it is crucial that we work cohesively and responsibly.

**Trust Board Information Hui & Kaumatua Wananga Whakapapa**

- 10. Over many months as a Board, we had discussed convening information hui at various locations where uri of Aotea resided, so that we could have ‘hui a kanohi’ with them, provide them information about the court processes, hapū database, registrations for beneficiaries, combined kaumatua validation committee review of the database, call for new registrations and ultimately our goal of calling elections and an AGM before 30 June 2020.
- 11. Although it took a long time to get ready and secure resources, time and venues to hold these hui, we commenced with the first information hui on 7 August 2019 at Kawa Marae, Aotea.
- 12. These hui were open to all uri of Ngati Rehua-Ngatiwai ki Aotea. Notices were provided to as many hapū members as possible by word-of-mouth, email, telephone, text and notices were posted on the Trust website and on Facebook.

**Four Trust Board Information Hui**

- 12.1. Hui #1, Kawa Marae, Aotea, 7 August 2019
- 12.2. Hui #2, St James Church, Mangere, Auckland, 7 September.
- 12.3. Hui #3, Matapouri Marae, Matapouri, Northland, 21 Sept.

- 12.4. Hui #4, Ngai Te Rangi Tari, Maunganui, Tauranga, 28 Sept.
13. The Board's Information Hui were well attended and although we did make attendance lists, not all signed those. I estimate that nearly two hundred attended the four hui.
14. Views expressed included concern at not really knowing what had happened with the hapū. Some raised their concerns that the Interim Board were considering completely destroying the hapu database.
15. What was clear from many comments and questions was that there were misunderstanding of what had happened over the past few years. Hapū members were seeking clarity about the Court proceedings, the role of interim trustees. Some asked what had happened at the earlier AGMs. Some who knew they had occurred, asked what had happened at the earlier validation committee hui. There were questions about registration processes as well as proxy voting procedures. Some asked about the hapū accounts and asked for copies of draft audited accounts, which we have posted online to the website and private Facebook page.
16. Everyone sought good information good processes. Whānau wanted a transparent process which was accountable to them. All who attended sought to understand what had happened and how we proposed to improve things.
17. Tikanga was raised at the hui. People sought to be guided by tikanga and sought an understanding of what their tikanga is. Many asked who would lead the hapū on tikanga? To which the repeated answer was, Kaumātua. Another question raised was which kaumātua? The matter of the composition of the Combined Kaumatua Validation Committee raised the query: who is to be on this committee? As independent chair, I had to explain that by consent of the parties to the litigation, the Court Orders had specified that the Combined Kaumatua Validation Committee was to be made up of five members from each of the defendants and the plaintiffs. Some asked who the defendants and plaintiffs were.
18. Discussions at various information hui also included the tikanga of whangai, hunaunga and hunaungatanga. The Wiitaiawa issue arose at various of the hui and these matters were acknowledged to be matters for the kaumātua to decide upon and lead the tikanga for these aspects.

19. Copies of Board Information Hui #2, #3 and #4 Minutes are **appended** to this report. A copy of the Information #1 Hui was appended to my Amicus report to the court dated 30 August 2019.

### **Kaumātua Wananga Whakapapa**

20. By October our Trust had secured some more resources with which to support and run the Kaumātua Wananga Whakapapa. Our Board had discussed holding a kaumātua wananga for many months and at the four information hui many hapu members expressed support for such a wananga so that the kaumātua could discuss and take lead of the core issues; whakapapa, whanaungatanga, tikanga and considering the combined kaumātua validation committee process.
21. Just like the four information hui were open to all uri of Ngati Rehua-Ngatiwai ki Aotea, the same open invitation was made to all kaumātua and uri for the wananga.
22. Due to popular demand, we scheduled the wananga at Kawa Marae, Aotea for the weekend of 18 – 20 October.
23. Following the powhiri and whakatau on the Friday evening, whariru and kai, the hapū had a pō whanaungatanga in the whare tipuna, Rehua. On the marae, we were guided by tikanga, to ‘whakamana tāngata i roto ngā hui a kanohi’ (acknowledging/respecting mana of people in face to face meetings).
24. On Saturday 19 October, I was asked by rangatira, Nupere Ngawaka on behalf of the taumata kaumātua to provide an introduction and overview of the Court process, the orders we must carry out, our duties as interim trustees, the kaupapa for the hui, tikanga and the way forward. This was to include the tikanga and kawa about whangai and the Wiitaiawa whakapapa. I also gave a precis of the four information hui we had held. This introduction was so that the hui would have some focus for the kaupapa to be discussed. Questions were welcome and many were asked throughout the hui.
25. Following that introduction, many matters were discussed including:
  - 25.1. The status of the Hapū beneficiary database. Using the existing database information and contacting all beneficiaries and asking for new registrations;

- 25.2. Misunderstanding of what had happened over the past years, seeking clarity on the Court proceedings and role of interim trust, on earlier validation committee, on registration processes, on defunct AGMs and the matter of proxy votes;
- 25.3. seeking good process, transparent process, accountable process, sought to understand the process;
- 25.4. Tikanga. The issue of whangai, hunaunga & hunaungatanga. The Wiitaiawa whakapapa issue. Discussion on what their tikanga is and who would lead that. Who were kaumatua to comprise the Combined Kaumatua Validation Committee: who is to be on this committee? The Court Consent Orders specified 5 members from each of the defendants and the plaintiffs. Various people in attendance proposed various kaumatua names and a list of possible names was written up on the whiteboard. Whilst the precise composition of the names of who would be on the committee was not decided finally because not everyone was present, the concept was debated thoroughly and the sentiment was that those who were appointed would be responsible to make those decisions about registrations in the coming validation process. The taumata kaumātua o Aotea, comprising the resident hau kainga elders advised that they were going to hui again regularly and give input to the hapū.
- 25.5. The wananga was well attended. At one stage on Saturday, I counted 80 people in the whare tipuna, Rehua, participating in the wananga. I note that there were at least ten whānau ringawera in the kitchen cooking for us at that time, for whom we were most grateful. I also note that not all those attending appear to have signed the attendance list which was circulated. It was a very well-attended hui and on behalf of the Board I am grateful for the time and effort by the Hau Kainga at Aotea and by all those who travelled to and gave of their whānau time to support the kaupapa.
- 25.6. The Draft Minutes for the Kaumātua Wananga Whakapapa are **appended** to this report for the Court and parties' information and ease of reference.

**CONSENT ORDERS. Regularising Hapū Database, Registrations, Combined Kaumatua Validation Committee, Elections and AGM**

26. To return to the main focus of the interim trustees' work, it is worth reproducing the 2017 orders of Muir J made by consent of both parties<sup>3</sup> and referred to in Palmer J's 18 December 2018 judgment, where he ordered at para 45(d):

“To facilitate implementation of Muir J's consent judgment:

(i) ENZ must be provided with the database and/or access to it in order to oversee the registration, proxies and election of trustee process.

(ii) Reasonable steps should be taken by the independent chair and ENZ to ensure all beneficiaries are encouraged to contact ENZ directly about the status of their registration and that of whanau members, and to have a reasonable period for new registration applications to be made in the correct form before their validity is assessed.

(iii) The Kaumātua Committee will have to review not only each new application for registration but also the validity of every other registration on the existing database.

(iv) The Kaumātua Committee will proceed according to the tikanga of Ngāti Rehua-Ngātiwai. They will, collectively, need to decide whether they deliberate in closed or open sessions and whether to invite the independent interim chair, or an agreed alternative, to chair their proceedings (but without a casting vote), if required.

(v) The Kaumātua Committee will need to meet together, collectively, with ENZ in attendance to assist.

(vi) The Kaumātua Committee will need to discuss the whakapapa and decide the registration of each individual and whanau including decisions about the WiTaiawa registrations.

(vii) The Kaumātua Committee will need to meet for as long as it takes to get consensus or, failing that, to make a decision by majority vote of the ten kaumātua.

(viii) The Kaumātua Committee should make decisions on the merits, rather than on the basis of technicalities. If applications lack required information the applicant should be given the opportunity to provide it.”

27. The reason I have referred again to these consent orders is to assist in our board's campaign to clarify what was agreed to by both parties to this litigation. This was the agreed

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<sup>3</sup> *Ngawaka v Ngati Rehua-Ngatiwai ki Aotea Trust Board* [2017] NZHC 1155 at [5], per Muir J

process confirmed by the Court. The lack of understanding of the process was a key reason why we needed to convene the series of information hui and the kaumātua wananga whakapapa; to provide information and some understanding of the process we carrying forward.

28. At each information hui, I have asked beneficiaries to listen, ask what they need to understand and provide their ideas, but also to go out to their whānau and tell them about the situation and what we are doing, so that as many uri as possible will engage in the registration process and eventually the voting of their new trustees. We have emphasised that they need to be able to decide with confidence who is going to represent them at this very important juncture of Ngati Rehua-Ngatiwai ki Aotea history.
29. With this present report, like the other reports, I am asking the trustees and hapū members to send this to their whanau and talk to them about it, so that they can participate in building a good, robust hapū database and selecting their trustees to serve them. We also post reports on the Board website and Facebook page for this purpose.

### **Engagement with Election Services Ltd**

30. I am pleased to report that following our board delegation's initial hui with Election Services Ltd on 27 August 2019, reported on in my 30 August report to the Court, we were able to follow up with them again after they had completed their local and regional government elections.
31. The Board met with the Election Services Limited ("ESL") team on 9 December 2019 and proceeded to discuss and plan the process in line with the Court's Orders.
32. ESL followed up and on 16 December provided us with a very fine draft proposal to outline the services, projects and a conceptual timeline from early 2020 until an AGM on 20 June 2020.
33. Our Board considered this proposal and at our hui on 23 December 2019 we agreed to accept the proposal.
34. As interim Board chair, I discussed this with ESL on 15 January 2020, returned the signed notice of acceptance of the proposal on 16 January and sought to receive a contract for services to engage with ESL services and set down timetables and a work programme.

35. ESL services advise that they are refining the proposal into a comprehensive timetable including a detailed deadline work stream, which take into account the important factors and milestones through the call for hapū registrations and combined kaumātua validation process and thereafter leading into the election nomination and process to the AGM on Saturday 20 June 2020. The details which we will confirm together with our contract in our 3 February Hui with ESL in summary will follow the below broad approach we have worked on and consulted with the hapū community.

#### **Existing database to be ‘frozen’**

36. Broadly, in conformity with the Orders consented to, and due to the lack of certainty about the integrity of the existing hapū database, we will use that database as a starting point for contacting hapū beneficiaries. The existing database will not be destroyed, it will be in effect ‘frozen’ in its current form as a reference point.

#### **Call for new registrations**

37. Next, the Board will contact all uri of Ngati Rehua-Ngatiwki Aotea to call for all to apply for registration with the Trust Board database. New Registration forms will be made available online and by post to those whom the Board can contact. We will be asking beneficiaries to advise their whānau about this and support them to register. The Board aim to have the registration process completed by **31 March 2020**.

#### **Combined Kaumātua Validation Committee**

38. The Combined Kaumātua Validation Committee will need to hui to review the existing database, consider and validate the new applications for registration. The Board will provide as much support as possible for the Committee. This decision making process must be guided by tikanga, with the support of ESL and within the process that the Court has directed.
39. The Board aim to start the review of registrations and combined validation after **Tuesday 31 March 2020**.
40. It appears that the Combined Kaumātua Validation Committee work will need to be carried out over a period, to cater for incoming applications for registration. We will support the committee to hui to undertake this work, during the four weeks from 31 March with a goal of completing validations of registrations by **Sunday 3 May 2020**.

### **Steps to Elections and AGM**

41. The next step will be making a public notice of election calling for nominations for election as trustee in the NZ Herald and Barrier Bulletin, to be done on **9 April 2020**.
42. Nominations for election will close at **12 noon on Friday 3 May 2020**.
43. Public notice will be made advising of the election and delivery of voting packs will commence on **Friday 15 May 2020**. Voting will commence from that date.
44. Processing of votes will proceed from 15 May until voting closes at **12 noon on Saturday 20 June 2020**.
45. The **AGM** will be held on **Saturday 20 June 2020** with the election results to be announced at that AGM.
46. There are many smaller steps to be taken to implement the above process and we will work through them as a Board. The next step will be confirming the contract and details with ESL on **Monday 3 February**.
47. As Counsel Assisting, I will of course appraise the Court of any important steps and seek further orders if necessary.
48. For the purposes of this report, I ask that the Court consider the process above and if appropriate provide endorsement of the same, subject of course to any further orders the Court may have.

### **Trust's compliance with government requirements**

49. I am pleased to advise that after some difficulties in securing information, access to the Xero accounting system and transfer of responsibility for tax and charities services to the interim trustees, that we have now filed tax returns, paid a late penalty which was later refunded, filed an interim charities return and otherwise complied with registration requirements. We have advised Charities Services that the trust's last three years of audited accounts will need to be passed by a properly convened AGM and thereafter the new trustees will have to file those with that department.

## **Current status of Trust finances, fundraising undertaken by the trustees and interim administrator**

50. The Trust's six Kiwibank accounts are currently in credit in the cumulative amount of \$29,914. The Interim Board aim to use the funds to carry out further hui, combined kaumatua validation committee processes and pay for ESL election services.
51. One of the trustees and the Trust Board's interim administrative assistant, Kelly Klink, have attended on various duties and many official hui on behalf of the Trust, some of which have raised funds which have been paid to the Trust. They have volunteered their time to attend on these duties and as Interim Chair I am most grateful for their efforts. We hope to be able to maintain those income streams to support the mahi to be done. As undertaken, our Board reviewed the duties and performance of the interim administrative assistant and confirmed her role in support of the Board. Amongst other implications is that the resources which we have secured meant that we were able to fund the series of information hui and the kaumatua wananga. We will also be using those funds to promote and support the next steps of hui, validation, elections and AGM for the hapū.

## **Directions/Orders Sought**

52. For the purposes of this report, I ask that the Court consider the registration, validation and election process above and if appropriate provide endorsement of the same, subject of course to any further orders the Court may have.

## **Whakakapi/Final Comments**

53. Should the Honourable Court or any parties require me to investigate further or provide any further information, I would of course abide by such orders of the Court.
54. I trust that this report is of assistance and look forward to any further orders from the Honourable Court.
55. I thank the Court for instructing me to assist in this matter.
56. I also wish the Court, the hard-working staff, learned counsel, colleague trustees and interim administrative assistant and of course the uri of Aotea and whanau, a safe, prosperous and progressive new year and new decade.

*Hei whakakapi tēnei puka, ko te tumanako kia tau ngā painga me ngā manākitanga o te Atua ki te Kaiwhakawā, me ona ngā kaimahi kaha, ki ngā roia tautoko, me ngā uri o Ngāti Rehua-Ngatiwai ki Aotea, huri noa ki o koutou whānau katoa, huri noa.*

**MĒNĀ KA PAI KI TE KŌTI,  
MAY IT PLEASE THE COURT,**

Kei Tamaki Makau Rau, tēnei te Ra 29 o Kohitateā, 2020  
At Auckland, this 29<sup>th</sup> Day of January, 2020



**Tu'inukutavake Barron Afeaki  
*Amicus Curiae***

**Interim Independent Chair, Ngāti Rehua-Ngatiwai ki Aotea  
Trust**

To: The Registrar, High Court, Auckland (Kevin Yu/Tony Mortimer)  
To: Counsel for the Plaintiffs, R Harrison  
To: Counsel for the Defendants, C Finlayson QC & S Wroe  
To: Rodney Ngawaka, Fifth Defendant